

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION**

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|---|---|-------------------------------------|
| First American Title Insurance Company, |) | Civil Action No.: 3:12-CV-00800-JFA |
| |) | |
| <i>Plaintiff,</i> |) | |
| |) | |
| v. |) | Motion for Summary Judgment |
| |) | |
| Columbia Harbison, LLC, |) | |
| |) | |
| <i>Defendant.</i> |) | |
| |) | |

Pursuant to FED.R.CIV.P. 56, Defendant, Columbia Harbison, LLC, moves for summary judgment on the second, third, fourth, fifth, and sixth causes of action in First American Title Insurance Company's amended declaratory judgment complaint. In addition, Columbia Harbison moves for partial summary judgment on two issues from its breach of contract counterclaim: (1) First American's position as to the scope of resulting loss and damage covered by the applicable insuring clause in Columbia Harbison's title insurance policy; and (2) liability for attorneys fees as an element of contract damages pursuant to *Hegler v. Gulf Ins. Co.*, 243 S.E.2d 443 (S.C. 1978).

The complete factual and legal grounds entitling Columbia Harbison to the requested relief are set forth in the concurrently filed supporting memorandum, as well as the exhibits and testimony submitted with that memorandum.

s/ Kevin K. Bell

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December 20, 2012